

TWS

**Notice of Allowability**

Application No.

10/608,977

Examiner

Dmitry Suhol

Applicant(s)

BARKER, KENNETH CRAIG

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3725

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment filed 11/18/2005.
2. ☒ The allowed claim(s) is/are 18-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 122305
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Dmitry Suhol*  
D. Suhol

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ken Barker on December 13<sup>th</sup>, 2005.

The application has been amended as follows:

Claims 15, 16 and 17 have been canceled.

New claims 18, 19 and 20 have been added (see below):

18. (New) An educational flipbook device for teaching orthographic structure of written words and syllables comprising:

a plurality of sets of pages with each set comprising a plurality of pages;

a backing board having a top, bottom, left and right sides with some of said plurality of sets of pages attached to said backing board through a plurality of spiral bindings, wherein each spiral binding attaches at least one set of pages to said backing board;

each page of said plurality of sets of pages comprises indicia located on the front face of each individual page, wherein said individual pages can either be displayed, rotated out of sight behind said backing board or covered by other pages;

said spiral bindings attaching said sets of pages located along the left top, center top, right top, left side and right side of said backing board, the spiral bindings along the top of said backing board allowing the pages attached thereto to rotate vertically while the bindings along the left and right sides of said backing board allowing the pages attached thereto to rotate horizontally from the front of said backing board to behind said backing board;

the pages bound along the top of said backing board being situated in three positions, left top-bound pages, center top-bound pages, and right top-bound pages;

said left and said right side-bound pages and said left and said right top-bound pages positioned on said backing board such that said left and said right side-bound pages and said left and said right top-bound pages are aligned so that one can cover or supersede the other;

said plurality of sets of pages bound to said backing board such that each page is able to rotate about the respective spiral binding so that said indicia located on their faces appears in a side by side readable relationship displaying a written word or syllable which can be altered by rotating other pages into place in a flipbook fashion;

a schwa display comprising a single first page having indicia on the front face of said page and affixed to a vertical handle, which can be displayed by holding said handle behind the flipbook so that said indicia of said single first page appears above one of the other pages of the plurality of sets of pages displayed by the flipbook;

a plurality of attachment rods with some of the attachment rods having a single page attached thereto and other attachment rods having the remainder of said plurality

of sets of pages attached thereto through means of a spiral binding enabling the indicia shown on the front of individual pages of said plurality of sets of pages to be displayed or vertically rotated behind other pages in a flipbook fashion;

a left receptacle and a right receptacle mounted to the backing board allowing said attachment rods to be affixed to said backing board for the purpose of displaying said at least one page, wherein some of the attachment rods may be attached to only the left receptacle and other of the attachment rods may be attached only to the right receptacle;

an index tab having a front and back affixed to each page of the plurality of pages of said plurality of sets of pages such that an individual page can be readily located, wherein said index tab comprises indicia located on said index tab front and said index tab back such that said index tab indicia is the same as the indicia located on the face of the page which the index tab is affixed to so that the respective page can be located among other pages either in front or behind the backing board.

19. (New) An educational flipbook device of claim 18,

wherein indicia of the set of pages bound to the left side of said backing board are letter groupings of initial consonant blends;

indicia of the set of pages bound to the right side of said backing board are letter groupings of final consonant blends;

indicia of the set of pages bound to the left top of said backing board are letter groupings of initial consonants and initial consonant digraphs;

indicia of the set of pages bound to the right top of said backing board are letter groupings of final consonants and final consonant digraphs;

the set of center top-bound pages being further divided into three additional sets of pages with each additional set having a graduated length respective the other additional sets, wherein the shortest of the additional sets comprises indicia of letters which are single vowels, the longest of the additional sets comprises indicia of letter groupings which are vowel teams, the set with the intermediate length comprises indicia of letter groupings which are r-controlled vowels;

indicia of the set of pages bound to an attachment rod for mounting in the left receptacle being letters and letter groupings of prefixes;

indicia of the set of pages bound to an attachment rod for mounting in the right receptacle being letters and letter groupings of suffixes;

a "marvelous e" display comprising said one of the single pages attached to an attachment rod for mounting to the right receptacle and having indicia on the front face thereof representing "marvelous e";

a "not so marvelous e" display comprising said another of the single pages attached to an attachment rod for mounting to the right receptacle and having indicia on the front face thereof representing "not so marvelous e".

20. (New) An educational flipbook device of claim 19,

a color-coding system for helping to determine orthographic elements in written words and syllables, wherein the indicia representing a schwa is black, indicia

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corresponding to silent letters being white with a black outline, indicia corresponding to nearly silent letters being mostly white with a fogging of orange or blue coloring and outlined in black, indicia displayed on pages corresponding to prefixes and suffixes being green, indicia representing "marvelous e" being white and orange starburst with black outline, indicia representing "not so marvelous e" being white with black outline, the remainder of vowel letter indicia being orange and the remainder of consonant letter indicia being blue.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: The specific limitations of a combination of "...said spiral bindings attaching said sets of pages located along the left top, center top, right top, left side and right side of said backing board, the spiral bindings along the top of said backing board allowing the pages attached thereto to rotate vertically while the bindings along the left and right sides of said backing board allowing the pages attached thereto to rotate horizontally from the front of said backing board to behind said backing board; the pages bound along the top of said backing board being situated in three positions, left top-bound pages, center top-bound pages, and right top-bound pages... a schwa display comprising a single first page having indicia on the front face of said page and affixed to a vertical handle, which can be displayed by holding said handle behind the flipbook so that said indicia of said single first page appears above one of the other pages of the plurality of sets of pages displayed by the flipbook; a plurality of attachment rods with some of the attachment

rods having a single page attached thereto and other attachment rods having the remainder of said plurality of sets of pages attached thereto through means of a spiral binding enabling the indicia shown on the front of individual pages of said plurality of sets of pages to be displayed or vertically rotated behind other pages in a flipbook fashion; a left receptacle and a right receptacle mounted to the backing board allowing said attachment rods to be affixed to said backing board for the purpose of displaying said at least one page, wherein some of the attachment rods may be attached to only the left receptacle and other of the attachment rods may be attached only to the right receptacle; an index tab having a front and back affixed to each page of the plurality of pages of said plurality of sets of pages such that an individual page can be readily located, wherein said index tab comprises indicia located on said index tab front and said index tab back such that said index tab indicia is the same as the indicia located on the face of the page which the index tab is affixed to so that the respective page can be located among other pages either in front or behind the backing board" are not anticipated or made obvious over the prior art of record in the examiners opinion. For example, Sprague '566 discloses a flip book type educational device which teaches three or more sets of pages attached to along the top portion of a backing board where the individual pages have letters and letter clusters printed thereon (figures 1 and 3) and attached to the backing board with a spiral binding (12). However, prior art of record fails to teach or disclose an educational flipbook device with the combination of structural features as claimed (see above).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 571-272-4430. The examiner can normally be reached on Mon - Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Suhol  
Examiner  
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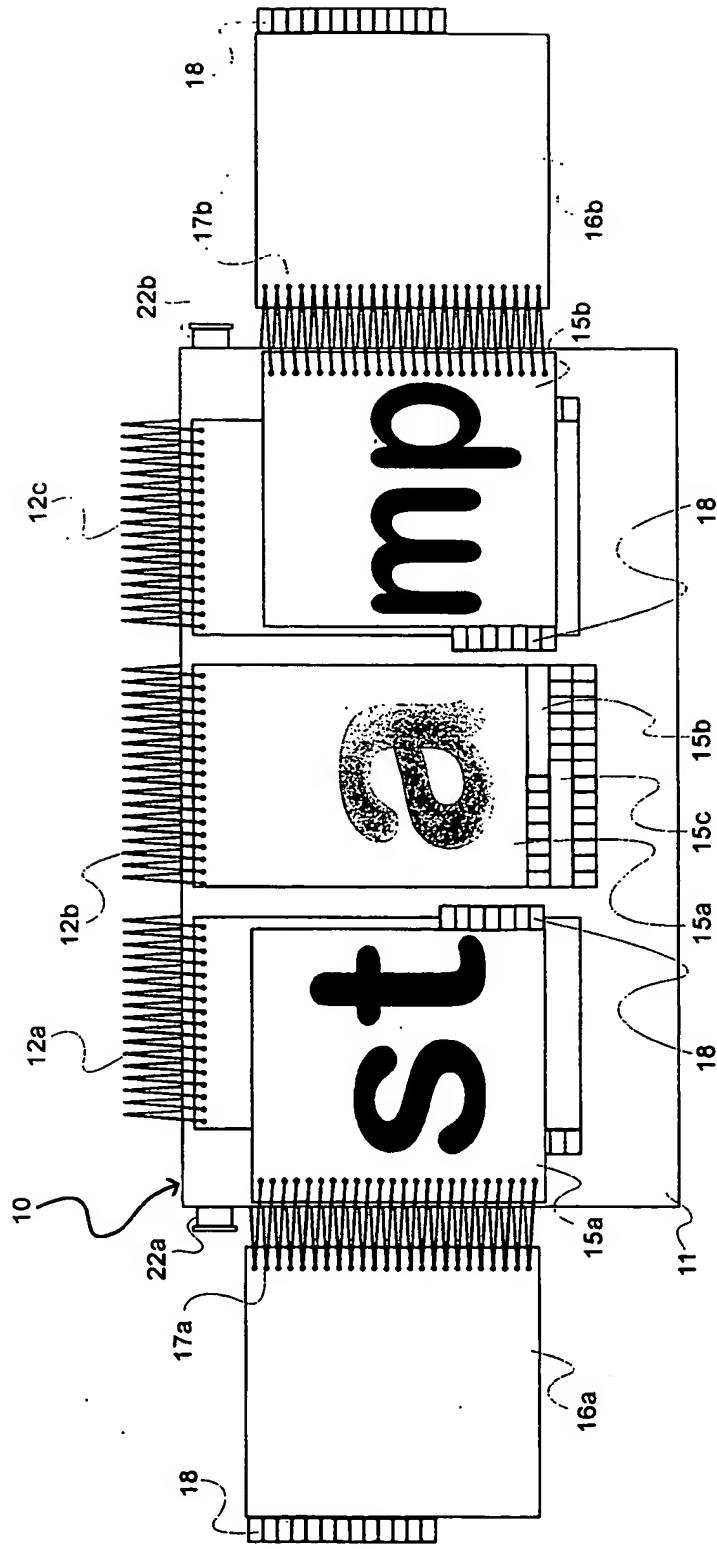


Fig.2

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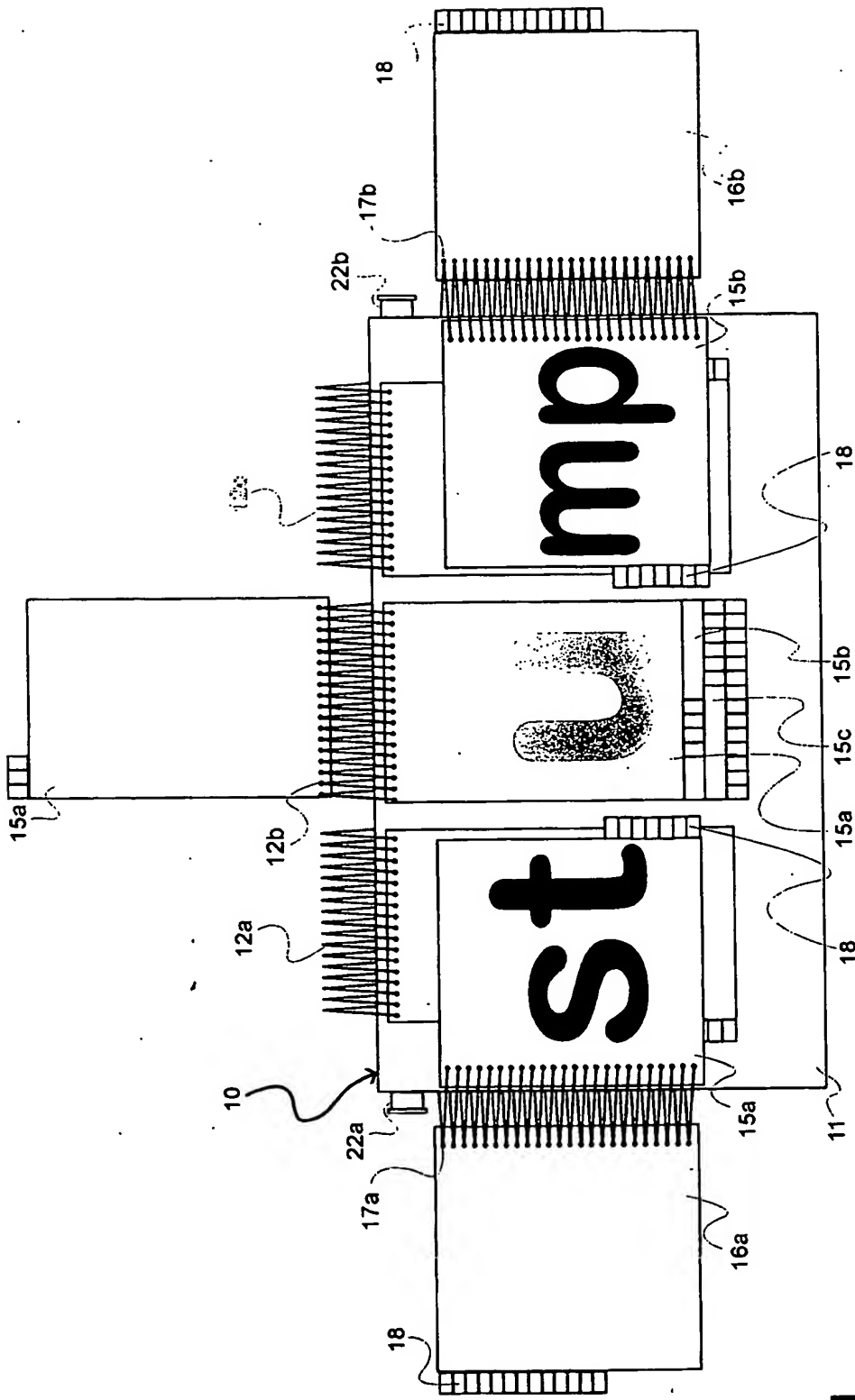


Fig.3

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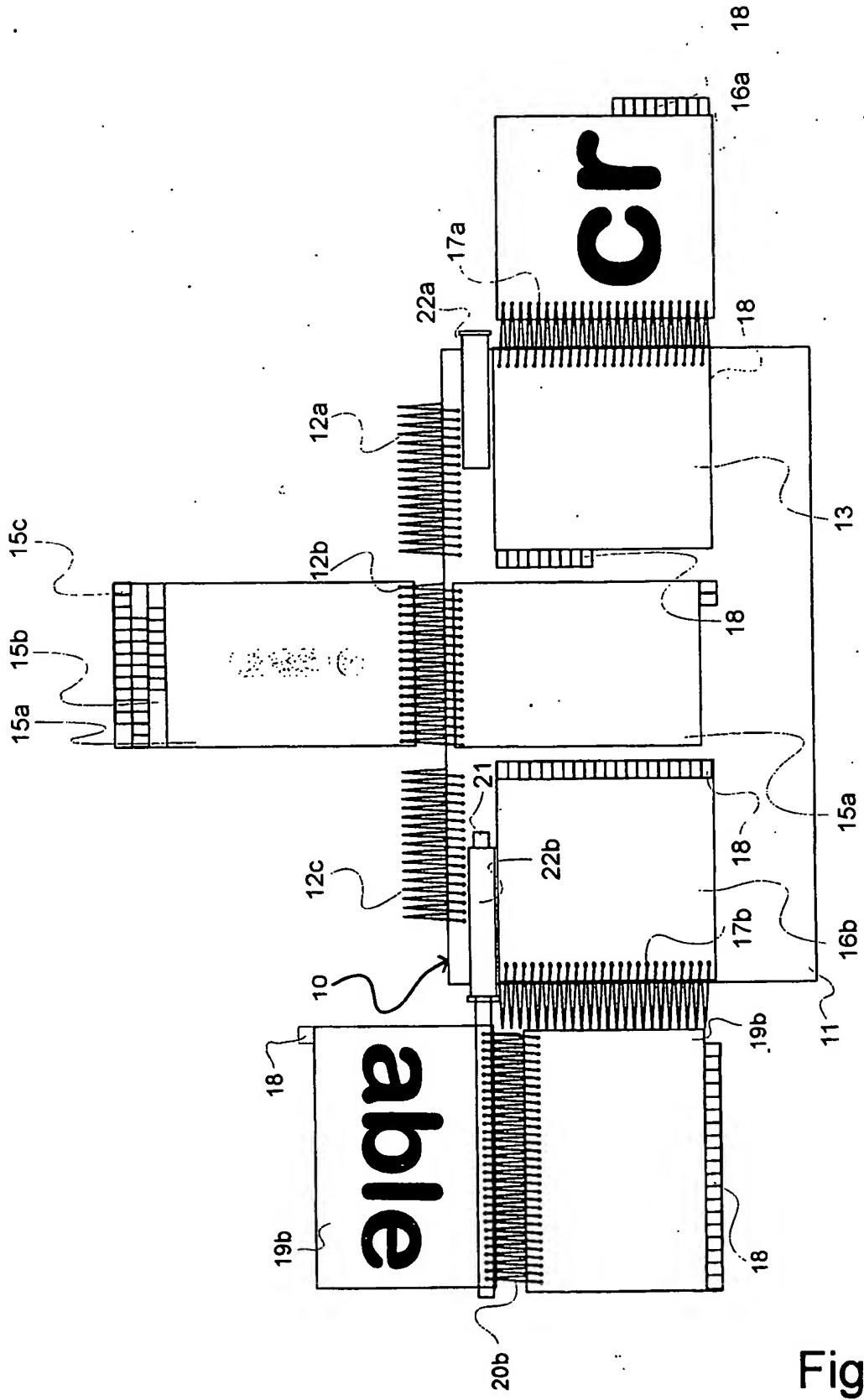


Fig.4

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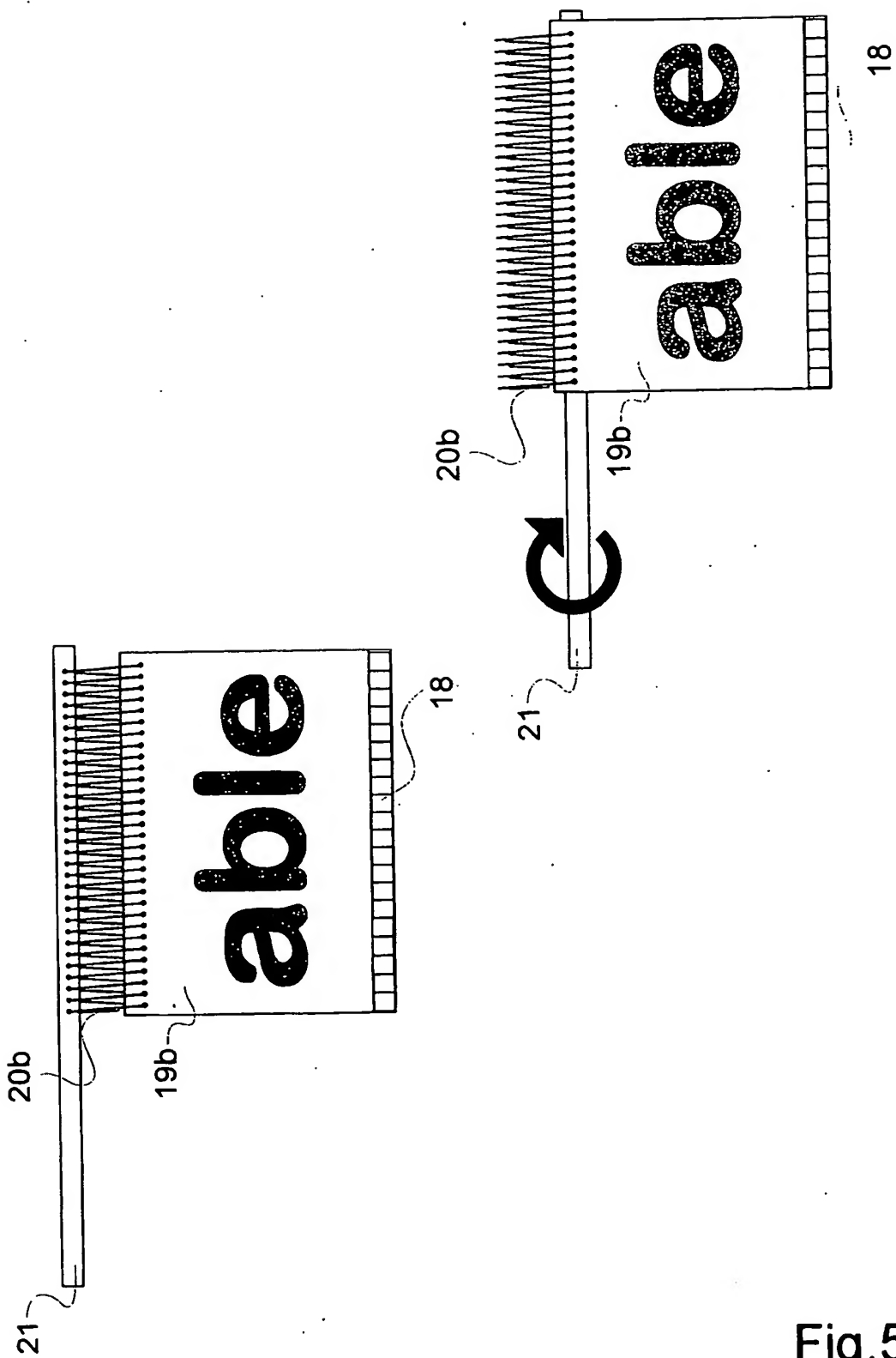


Fig.5